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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 Case No.: CR 09-00717 JF

12 Plaintiff,

13 **STIPULATION TO CONTINUE  
HEARING AND EXCLUDE TIME;  
[PROPOSED] ORDER**

14 v.

15 MARCO BARBOSA; MARIA BARBOSA,

16 Honorable Jeremy Fogel

17 Defendants.

18 \_\_\_\_\_ /  
19 Defendants Marco and Maria Barbosa and the government, through their respective counsel,  
20 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,  
21 presently scheduled for Thursday, April 14, 2011, at 9:00 a.m., be continued two weeks to Thursday,  
22 April 28, 2011, at 9:00 a.m. The continuance is requested because defense counsel are preparing  
23 motions to be heard at the next hearing date, and the defense requires additional time to conduct  
24 investigation and to prepare effectively in connection with the filing of motions.

25 The parties further agree that time should be excluded under the Speedy Trial Act because the  
26 ends of justice served by granting the requested continuance outweigh the interest of the public and  
the defendant in a speedy trial. The failure to grant the requested continuance would deny defense

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1 counsel reasonable time necessary for effective preparation, taking into account the exercise of due  
2 diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this  
3 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

4 Dated: 3/18/11

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6 /s/  
7 LARA S. VENNARD  
Counsel for Marco Barbosa

6 Dated: 3/18/11

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8 /s/  
9 PETER LEEMING  
Counsel for Maria Barbosa

8 Dated: 3/21/11

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10 /s/  
11 EUMI CHOI  
Assistant United States Attorney

10 **[PROPOSED] ORDER**

11 The parties have jointly requested a continuance of the hearing set for Thursday, April 14,  
12 2011, to allow additional time for defense preparation and investigation in connection with  
13 anticipated defense motions. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the  
14 hearing date presently set for Thursday, April 14, at 9:00 a.m., be continued to Thursday, April 28,  
15 at 9:00 a.m.

16 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
17 under the Speedy Trial Act from April 14 to April 28, 2011. The Court finds, based on the  
18 aforementioned reasons, that the ends of justice served by granting the requested continuance  
19 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the  
20 requested continuance would deny defense counsel reasonable time necessary for effective  
21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of  
22 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.  
23 §§ 3161(h)(8)(A) and (B)(iv).

24 Dated: 3/23/11

25   
26 JEREMY FOGEL  
United States District Judge

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